



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 26, 1994

Mr. David A. Talbot, Jr.
General Counsel
State of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR94-414

Dear Mr. Talbot:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27172.

The Office of the Governor received two requests for information concerning the scoring of the requestor's grant application for funds under the Victims of Crime Act ("VOCA"). You state that you have provided several records to the requestors including blank scoring sheets and a copy of the requestor's Grant Application Review Form with the rank order redacted. You claim that the final rank on the Grant Application Review Form and the scores noted on the Internal Review Team Scoring Sheet and the Application Review Instrument are excepted from required public disclosure under section 552.111 of the Government Code.

Section 552.111 excepts "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In a recent opinion that reexamined the section 552.111 exception, this office concluded that section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5. The policymaking functions of an agency, however, do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

You state that the "scoring sheets are completed by staff in the course of evaluating which grant applications should receive VOCA funding." You claim that "[t]he score reflects the assessment by each reviewer of the applicant's strengths and weaknesses with respect to each of the identified areas" and that the "assessments constitute a core judgment by staff as to which grant applicants merit the Governor's approval." You further contend that the same argument applies to the rank order designated on the Grant Application Review Form.

We have reviewed the documents submitted to this office. We agree that the scores on the Internal Review Team Scoring Sheet and the Application Review Instrument and the rank order indicated on the Grant Application Review Form constitute internal communications consisting of advice, recommendations, and opinions reflecting the policymaking processes of the Office of the Governor. Accordingly, you may withhold the scores and the rank order under section 552.111 of the Government Code.¹ For your convenience, we have marked the portions of the documents that may be withheld.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref.: ID# 27172

Enclosures: Marked documents

cc: Ms. Edna D. Cuellar
Administrative Assistant
Southwest Family Life Centers
P.O. Box 393
Hondo, Texas 78861
(w/o enclosures)

¹We note that because you have already provided copies of the requestors' Grant Application Review Forms with the rank order redacted, you do not need to release these documents to the requestors.

Ms. Fances Day
Program Director
East Texas CASA, Inc.
300 North Green, Suite 412
Longview, Texas 75601
(w/o enclosures)